

**BRIGHAM CITY PLANNING COMMISSION MEETING  
TUESDAY, SEPTEMBER 04, 2007 – 6:30 PM  
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Steve Hill	City Council Liaison
	Kevin Lane	Chairman
	Reese Nielsen	Vice-Chairman
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
	Roger Handy	Alternate
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Lynda Berry	Alternate
	Bill McGaha	Commissioner
	Kathy Philpot	Alternate

**AGENDA**

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

**APPLICATION #2942** / CONDITIONAL USE PERMIT – HOME OCCUPATION / PRESCHOOL / 106 NORTH 100EAST / REBECCA L. ULLMAN

**APPLICATION #2937** / PRELIMINARY PLAT – NORTH POINT SUBDIVISION / 905 NORTH HIGHWAY 38 / SWM SERVICES

**APPLICATION #2651** / DESIGN GUIDELINES FOR 1100 SOUTH / BRIGHAM CITY CORPORATION

**APPLICATION #2924** / DESIGN GUIDELINES FOR WEST FOREST STREET / BRIGHAM CITY CORPORATION

**APPLICATION #2925** / DESIGN GUIDELINES FOR HISTORICAL DOWNTOWN/ BRIGHAM CITY CORPORATION

PUBLIC INPUT:

DISCUSSION:

**REGULAR MEETING**

Chairman Lane opened the regular meeting at 6:30 p.m. Commissioner Poelman led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

**MOTION:** A motion was made by Roger Handy to approve the work session minutes of August 21, 2007. The motion was seconded by Commissioner Poelman and passed unanimously.

**MOTION:** A motion was made by Roger Handy to approve the regular meeting minutes of August 21, 2007. The motion was seconded by Commissioner Poelman and passed unanimously.

**APPLICATION #2942 / CONDITIONAL USE PERMIT – HOME OCCUPATION / PRESCHOOL / 106 NORTH 100EAST / REBECCA L. ULLMAN**

After initial review by Staff, it was determined that the only way to license a preschool was to license it as a group child care provider and then have the preschool run under that heading. State code exempts specific requirements to daycare which would not work for preschools exclusively. It would be too costly to have applicants meet the requirements of a school facility so doing it under the child care is more effective. Ms. Ullman submitted a letter stating that she was revising her application. The stipulations listed in the Staff comments include that she be licensed as family group child care provider.

Rebecca Ullman came forward. She stated she had seen the staff comments. She received her packet from the state and will be going through it soon. One concern was about traffic on her street. She stated that she talked to some of her neighbors and they were agreeable to some of the parents parking in front of their houses. Her hours of operation are scheduled from 8:00 a.m. to 11:00 a.m. and 12:00 p.m. to 3:00 p.m. By 8:00 a.m. most of the public schools have already started and by 3:00 p.m. they have already dismissed so there should not be a conflict with traffic. Ms. Ullman stated that she currently has 8 students enrolled.

**MOTION:** A motion was made by Commissioner Poelman to approve application #2942 based upon the Staff recommendations as applicable and the stipulations that Ms. Ullman comply with Chapter 29.06 Conditional Uses, Chapter 29.20 Home Occupations and must comply with Chapter 29.01.060.96 Licensed Family Group Child Care Provider which will limit classes to 16 children per session and she must comply with all the Staff comments; based on the findings of fact that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and they are in compliance with the General Plan. The motion was seconded by Commissioner Peterson and passed unanimously.

**APPLICATION #2937 / PRELIMINARY PLAT – NORTH POINT SUBDIVISION / 905 NORTH HIGHWAY 38 / SWM SERVICES**

Mr. Mitchell's engineer, Ben Johnston, did address the staff comments, as requested. There have been a few additional items that have been noted by the engineer and Community Development. One of the conditions was a letter from the irrigation groups to be submitted to the City stating their approval. That letter has not been submitted, as of yet. Mr. Mitchell has indicated that he has talked with those irrigation groups.

Scott Mitchell came forward. He had a letter from the irrigators stating that copies of that letter went to Bruce Leonard, Mark Teuscher, Brigham City Engineering Department, Jack Molgard and David Whitman. Mr. Mitchell said it was his understanding that Max Reeder, representative of the other irrigation group, was going to bring a signed letter to this meeting from that group.

Chairman Lane commented that in the plan it shows that landscaping will be incorporated, as needed, along SR-38 and SR-13. He stated that there needs to be something there as to prevent having a weed patch and prevent it from becoming unsightly. Mr. Mitchell responded that he followed Ben Boyce's comments to a minimum and he is waiting for UDOT's requirements. Mr. Teuscher commented that SR-13 is different because it is on a slant and there is no way to put sidewalk in for pedestrian access and so there is no way to put landscaping, other than trees, along there. Along SR-38 there will be curb, gutter and sidewalk so there will be a place to put landscaping. The segment along SR-13, in regards to fencing, Staff suggested a solid barrier. Mr. Mitchell needs to submit a fence design to Staff. Mr. Mitchell said he was waiting to get more input as to what type and style of fencing should go there. Chairman Lane noted an inaccuracy on the plat, showing two streets marked 200 West, and suggested correcting that.

Roger Handy commented that in the previous meeting it was discussed that there were a lot of things that needed to be done with this application prior to it being sent to City Council. He suggested going through the list of things that had been accomplished that shows this application is ready to be sent forward to City Council. Mr. Teuscher replied that the City engineer and Mr. Mitchell's engineer had met and a lot of issues had been resolved such as the alignment of the road and the number of cul-de-sacs has been reduced. There are two remaining cul-de-sacs but they are not real deep or long. There are still a few outstanding issues such as what type of fencing is wanted. Staff wants a solid barrier fence and landscaping as a minimum with sprinkling system to maintain the landscaping. The issue with the landscape is that this section is SR-38 and will be difficult for individual property owners to maintain and the City will end up maintaining it, for that reason. In regards to the Wetlands issue, the biggest issue that Kent Jones had was how to deal with the irrigation and the drainage system. The soils report required a very extensive land drain system and that has been designed and the engineering department has bought off on that. At this point, the biggest issue is the letter from the other irrigation group. Most of the other issues that need to be adjusted are fairly technical and minor.

Mr. Mitchell stated that he was supposed to have a letter from the second group of irrigators but there is an issue they have on another subdivision. He stated he had talked to Mr. Teuscher, the City engineer, Tyler Pugsley and Brent Slater, all of which are fine with moving the 16-foot berm from one of the old detention ponds off the top of the west irrigation

pipe, as requested by Max Reeder. Mr. Mitchell said he would have it moved by September 15, 2007. Mr. Mitchell said that Max Reeder would like the City to sign off on that.

Max Reeder, Secretary of Brigham Big Field Irrigation Company, came forward. He said that there is another group, the Helen Reeder Group, which co-uses the same system that Big Field uses. They have joint agreements and joint responsibility for maintenance; everything is shared equally. The system has been used together for years. Big Field was encouraged to incorporate for liability issues and they own the water rights of their share holders but the Reeder family still owns their water rights individually. Mr. Reeder said that Mrs. Rees, daughter of Helen Reeder, was in attendance at the July 3, 2007 meeting and spoke about the water rights but was not in attendance at the August 7, 2007 meeting.

Mr. Mitchell explained that all of the water going through the line in question belongs to three people; Benson Astle, the Wildes and the Wilsons. Those people have signed off on it. The water that goes down the 500 West ditch is not going to change. That is the same area where Reeder's get their water and that is not being changed. Mr. Reeder said the source of that water is under the plat and they have to know that it will not be changed so they can sign off on it.

Mr. Reeder explained that at the August 7, 2007 meeting, he thought he could get approval from the board members of Big Field within a two week period. They met on August 11<sup>th</sup> to discuss three items, one of which was the approval of the North Point Subdivision, the other was the retention pond dike on the south side of the middle retention pond which was placed upon their irrigation pipe and the road they use to maintain and service the manholes. There was not a majority approval at that meeting. They want the dike moved. Mr. Reeder and Doug Adams met with Mr. Mitchell at the site and Mr. Mitchell was asked to draft a letter and Mr. Reeder would try to get all of the irrigation users, or at least five for a majority, to this meeting to sign the letter. Mr. Reeder would also like to see where the measurements are and how it is going to be moved so they can buy off on it. Chairman Lane commented that the issue Mr. Reeder is discussing has nothing to do with the application that is before the Planning Commission at this time. Mr. Reeder tried to explain that his irrigation company is being asked to agree to something that is shown on a plat and they want to see the 4x4 boxes, the pipe and where it is going to be dumped as it is installed. They want to be able to inspect it before it is covered up. Mr. Reeder explained that they are signing off on the issue that all the water that is draining off of this property is going to go into the Smith ditch on 500 West. Commissioner Nielsen commented that one of the conditions was that the developer and the irrigation users would reach an agreement so there would not be a problem. It has been noted that there is a third party that has water rights that may or may not be affected by this development.

Mr. Teuscher explained that the drain system that was discussed earlier is the system that is taking all the subsurface water to the irrigators. It does not go into the open ditch. In the geotechnical report the engineer stated that most of the property needs to be dewatered and, as part of the development, Mr. Mitchell is obligated to build a tile land drain system on the private property and the roads which will go back into the irrigation users water. Mr. Reeder said he does not want to have problems down the road like they had with the other subdivision. Mr. Teuscher explained that the North Forty Subdivision and North Point Subdivision are separate and this board is only concerned with the North Point Subdivision as the North Forty is already done and out of their hands. In regards to moving the dike, if there are on-site changes to the storm retention facilities then that is an issue for Tyler Pugsley, Brigham City Water Superintendent. The Planning Commission has no more jurisdiction over that plat. If Mr. Pugsley agrees to make that change then he and Brent Slater will be the ones that will have to sign off on that. A meeting will need to be set up with Blake Fannesbeck and Tyler Pugsley to get that letter signed. Mr. Reeder suggested moving this application forward subject to all the letters being obtained and the approval of the third party to the irrigation use. Mr. Mitchell said he would talk to the Reeder's.

Blaine Fisher, resident at 1068 North 500 West, came forward. He stated that he has followed this application from its beginning and asked that the City help the developer get this issue taken care of and get this development done. He wanted to say that he was against this at the start but stated that Mr. Mitchell has built some real nice houses and they have been an asset to the community and the city. His complaint is how long it has taken to get approval and things should be planned out better so the process runs more smoothly so time is not wasted.

A resident at 1040 North 450 West came forward. He stated that his complaint is that the area around the pond has been used as a dump; the debris includes things such as Styrofoam and boxes. Ditches have been dug and have filled up with water which is contributing to the mosquito problem. He would like to see the dump area cleaned up and the ditches filled in.

LaMont Nielsen, resident at 1012 North 450 West, came forward. He stated that his property borders the ditch. He is concerned about a 'no-man's land' between his property line and the fencing around the ditch. He asked who will be responsible for maintaining the area around the ditch in terms of weed control and such and how to contact that entity if he is not satisfied with the way it is being maintained. He also said he would like to hear a summary of how many lots there are in the current subdivision plan.

Benson Astle, resident at 2880 West 4600 North, came forward. He stated that he signed off on Benson Springs. He said he would like to see where the other drains are coming in from to take the water away. The water sign off was contingent on the water being there when the development is complete. Mr. Astle asked if the fencing would change on the north

side. Mr. Mitchell said that fence would not change. The landowners may put in fences but they would only be allowed to go to their property line.

Commissioner Nielsen asked what the minimum lot frontage requirement is. Mr. Teuscher replied that it is 75 to 80-feet. In a cul-de-sac it is measured by the setback. Mr. Handy asked what the difference in lot number was in the current plan versus the previous plan. Mr. Mitchell replied that the first plan had 108 lots and the current plan is 92 lots.

**MOTION:** A motion was made by Commissioner Peterson to forward to City Council with recommendation to approve application #2937 provided that the developer comply with all Staff comments, comply with Subdivision Ordinances and Zoning Ordinances and that letters of approval be obtained from all irrigation users before approval is granted; that the applicant will comply with the Staff evaluation, that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Poelman.

**DISCUSSION:** Commissioner Nielsen commented that he thought the Commission was not doing what they originally asked for in that they previously had discussed getting written approval from the irrigation users prior to forwarding this application to the City Council and they were deferring that action.

**ROLL CALL:**

Roger Handy – Aye  
Joan Peterson – Aye  
Reese Nielsen – Nay  
Barbara Poelman – Aye

The motion passed 3 to 1.

**APPLICATION #2651 / DESIGN GUIDELINES FOR 1100 SOUTH / BRIGHAM CITY CORPORATION**

There are some formatting changes that need to be done on this. There are some pictures and paragraphs that are overlapping. There is one common area that both Mr. Teuscher and Paul Larsen are frustrated with and have asked the consultants to remove. Neon has been excluded from the signage area on page 26. There is no reason to prohibit neon signs. It is written in a way that suggests Brigham City does not allow neon signs. The Brigham City sign is neon. It was suggested that the consultants may have been concerned about the safety factor of neon signs. Codes are going to include safety factors for the installation of signs so that should not be a problem. Mr. Teuscher stated that he and Mr. Larsen are comfortable with everything else in this guideline.

**MOTION:** A motion was made by Commissioner Nielsen to forward to the City Council with recommendation to approve application #2651 incorporating the comments between Economic Development and the City Planner in the document. The motion was seconded by Roger Handy and passed unanimously.

**APPLICATION #2924 / DESIGN GUIDELINES FOR WEST FOREST STREET / BRIGHAM CITY CORPORATION**

There are some formatting problems in this guideline, as in the 1100 South document, that will need to be resolved. There is an issue regarding LED/television type signs. Signs are getting to the point where they are so sophisticated that they are almost like a television screen. There is a section in this document that discusses 3-frames per second and Mr. Teuscher felt that criteria was being outdated by technology and was not necessary. There could be a limitation as to size of these types of advertising signs but the standard that the consultant is currently showing does not make a lot of sense. The brightness of and the way the lights in those types of signs are directed can be regulated so as to not be obnoxious. This should be addressed in conjunction with the sign ordinance when it is rewritten. Mr. Teuscher likened this situation with the parking issue in the downtown area. The parking ordinance has standards for new development; however, the old existing facilities are going to function as they always have with the parking that is currently in existence. New facilities will have to comply with the Code.

Steve Hill, Brigham City Councilmember, and Larry Douglas, Brigham City Museum Director, came forward. Mr. Hill read a segment regarding neon lighting on page 28. Mr. Teuscher said that statement was one that will be removed from the document. Neon lighting is an historical type of signage.

On pages 36, 38 and 40 there are cross-sections. These are all very unique and it needs to be decided if they are the cross-sections that are wanted. On page 38, the side streets down by the Animal Shelter are what form a town square area. That cross-section is somewhat deceptive because it refers to three different roads. More than likely, there is enough right-of-way to pick up Forest Street on that. Commissioner Nielsen commented that the cross-sections would not be used in that

the City would not tear out what is in existence to put in something new. Those cross-sections should be revised to be compatible with what is already there.

**MOTION:** A motion was made by Commissioner Nielsen to forward to the City Council with recommendation to approve application #2924 incorporating the comments noted here with Economic Development and the City Planner. The motion was seconded by Commissioner Peterson and passed unanimously.

**APPLICATION #2925 / DESIGN GUIDELINES FOR HISTORICAL DOWNTOWN/ BRIGHAM CITY CORPORATION**

Larry Douglas stated that it looked like about 50-percent of his changes were incorporated in the document. In regards to reducing the visual impact of mass on page 9, the word 'mass' is not clear as to what 'mass' is referring to. On page 11, under standards, "scale and proportion should be important adjacent to residential streets that exist to maintain a buffer to residential neighborhoods" is a vague statement. The way it is worded does not clearly state that the scale of a building should be scaled to be compatible with the surrounding residential buildings. That statement should be clarified and clearly defined as to not be confusing to the average reader. In comparing the rooflines of historical residential and historical commercial buildings, those rooflines are very different from each other. Councilmember Hill commented that these guidelines should be vague enough that we are not 'tying people's hands' but, at the same, time specific enough that there will not be many interpretations of the same thing.

Roger Handy commented that it seemed this document was being rewritten which was neither the job nor the strength of the Planning Commission. He suggested postponing the approval of the Historic Downtown Guidelines so Mr. Douglas could meet with the consultants on this as he did not think it would be fruitful for the Planning Commission to go through the document and rewrite it. Mr. Teuscher suggested that Mr. Douglas join Paul Larsen and himself in meeting with the consultants on September 12<sup>th</sup>.

Mr. Douglas explained how this document evolved. Design Workshop did not have a staff member that was qualified to write historic design guidelines so they subcontracted with Architectural Nexxus. Architectural Nexxus hired a girl fresh out of Berkley who met with Mr. Douglas and it was obvious to him that she did not know what she was doing. He read her first draft and brought in other documents from around the state and worked with her on it. She then moved and Mr. Douglas worked with a qualified person but he was not that interested. At that point, the three classifications for buildings were established, which Mr. Douglas thought was good. The guidelines were written similar to Murray City's guidelines. They used Murray's guidelines for the significant, contributing and noncontributing buildings sections. Those are pretty standard with the National Park Service. The final format, new construction, was the first draft; which Mr. Douglas had to go back and correct again. This document is a compilation of Mr. Douglas' revision of the Murray City guidelines and the first draft, which is a boiler plate draft of historic downtown. They kind of mesh and the information is there but they are not user friendly. Mr. Douglas said there are a lot of good things that have been added to the document but some of the terminology is incorrect.

**MOTION:** A motion was made by Commissioner Nielsen to continue application #2925 until the meeting of October 02, 2007 in order for appropriate consultation in revision with the preparing body to take place. The motion was seconded by Roger Handy.

**DISCUSSION:** Roger Handy asked that the motion specifically state that Larry Douglas be included in those discussions. Commissioner Nielsen so amended his motion with a second by Roger Handy.

The motion passed unanimously.

**PUBLIC INPUT:**

There was no public input.

**DISCUSSION:**

Councilmember Hill commented that during the public hearing on the North Point Subdivision, a lot of the residents in that area had a concern about a neighborhood commercial zone in that area. There were citizens that were unable to attend that meeting and contacted him about their concerns and he wanted to pass that information onto the Planning Commission and have them reconsider that part of the General Plan based on the input from the residents in that area. Commissioner Nielsen commented that the area is currently zoned R-1-8 and all references to a neighborhood commercial area have been removed from the plat.

Mr. Teuscher reminded the members who were going to attend the Planner's Day on September 13<sup>th</sup>, about that workshop.

**MOTION:** A motion was made by Commissioner Nielsen to adjourn. The motion was seconded by Commissioner Poelman and passed unanimously.

The meeting adjourned at 7:50 p.m.

This certifies that the work session minutes of September 04, 2007 are a true and accurate copy as approved by the Planning Commission on September 18, 2007.

Signed: \_\_\_\_\_

Jeffery R. Leishman, Secretary